

House Bill 1171

By: Representatives Powell of the 171st, Collins of the 27th, Hatfield of the 177th, Thompson of the 104th, Maddox of the 127th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds for good behavior and to keep the peace, so as to provide for application and notice to appear for a show cause hearing; to provide for a hearing; to provide for bonds; to provide for costs; to provide for the issuance of a prehearing arrest warrant; to repeal provisions relating to a bond against a spouse; to provide for a bond for good behavior; to provide for remedy for violation of bond; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds for good behavior and to keep the peace, is amended by revising Part 1, relating to bonds for good behavior, as follows:

"Part 1

17-6-90.

(a) Any judicial officer authorized to hold a court of inquiry may, upon the ~~information~~ application of others under oath or upon his or her own motion, issue a ~~warrant against~~ notice to appear for a show cause hearing to any person ~~in the county~~ whose conduct in the county is ~~such as~~ sufficient to justify the belief that ~~the safety of any one or more persons in the county or the peace or property of the same is in danger of being injured or disturbed thereby~~ there exists imminent danger of injury to any person in the county, damage to any property in the county, or disturbance of the peace of the county. ~~Upon the return of the warrant and upon~~ Such show cause hearing shall be held within seven days of such application or motion. Upon sufficient cause being shown, the court may require from the person a bond with sureties for such person's good behavior ~~until the next term of the superior court of the county or~~ with reasonable conditions to ensure the safety of persons

or property in the county or the preservation of the peace of the county for a period of up to six months, ~~whichever is greater. Any person against whom a warrant issues must, within 24 hours, be brought for a hearing before the court which issued the warrant or be released on bond by the sheriff, the amount and reasonable conditions of such bond to be set by the court which issued the warrant.~~

(b) All bonds posted under this Code section shall be returnable in the court which ~~issued the warrant~~ required the bond and shall be amendable in the court's discretion. ~~Within seven days after being released on bond by the sheriff, the person shall be entitled to a hearing before the court which issued the warrant. The court may, on its own motion, require a hearing.~~

(c) If it is determined at a hearing that there was not sufficient cause for ~~the warrant to have been issued~~ a hearing to have been held, the affiant who caused the warrant to be issued shall pay all court costs.

(d) At the time of or at any time after the filing of an application as provided in subsection (a) of this Code section, the judicial officer may, in his or her sound discretion, issue an order of arrest for the person or persons named in the application if the sworn allegations regarding the conduct of such person or persons is sufficient to justify the belief that there is imminent danger of injury to any person in the county, damage to any property in the county, or disturbance of the peace of the county. Upon the arrest of such person, a hearing as provided in subsection (a) of this Code section shall be held within 24 hours; otherwise, such person shall be released on bond with sureties and reasonable conditions for his or her good behavior until a hearing can be held.

~~17-6-91.~~

~~A person may require a bond for good behavior against the spouse of such person.~~

~~17-6-92.~~

~~For a violation of a bond posted pursuant to Code Section 17-6-90, an action may be brought at the instance of any person in the county. The recovery on the bond shall be paid to the person bringing the action.~~

~~17-6-93~~ 17-6-91.

A bond for good behavior posted pursuant to Code Section 17-6-90 may be extended from term to term by the superior or state court, as the case may be, or for additional 60 day ~~periods~~ by the court which ~~issued the warrant, whichever is greater, in its discretion~~ required the bond. The sureties on the bond shall have the privilege of surrendering their principal as in other cases of bail.

59 ~~17-6-94~~ 17-6-92.

60 Upon oral or written complaint by the injured party or upon motion by the prosecuting
61 attorney, the court may, in its discretion, issue a rule for contempt against a party who
62 violates the bond posted pursuant to Code Section 17-6-90. Upon hearing the rule, if the
63 court finds that there has been a violation of the bond, the court may, ~~in addition to the~~
64 ~~remedy provided in Code Section 17-6-92~~, impose a sentence for contempt of court. If it
65 should appear to the court from the evidence and the court finds that the violation of the
66 bond was provoked or brought about by the conduct of the prosecuting witness, the
67 witness, after notice and the opportunity for a hearing, may be ruled for contempt of court
68 and sentenced as provided by law."

69 **SECTION 2.**

70 All laws and parts of laws in conflict with this Act are repealed.